



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 8 सितम्बर, 2006/17 भाद्रपद, 1928

हिमाचल प्रदेश सरकार

नगर एवं ग्राम योजना विभाग

अधिसूचना

शिमला, 8 सितम्बर, 2006

संख्या टी० सी० पी०-एफ (5)-2/2004.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश नगर और ग्राम योजना अधिनियम, 1977 (1977 का 12) की धारा 39 के साथ पठित धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना संख्या 9-12/72-पी० डब्ल्यू० (बी) तारीख 9-12-1978 द्वारा अधिसूचित तथा तारीख 6-4-1979 के राजपत्र (असाधारण) हिमाचल प्रदेश में प्रकाशित हिमाचल प्रदेश टाउन एण्ड कन्ट्री प्लानिंग रूल्ज, 1978 का और संशोधन करने के लिए निम्नलिखित नियम बनाने का

प्रस्ताव करते हैं। इन प्रारूप नियमों को जनसाधारण की जानकारी के लिए राजपत्र, हिमाचल प्रदेश में प्रकाशित किया जा रहा है और एतद्वारा नोटिस (सूचना) दिया जाता है कि उक्त प्रारूप नियमों पर इनके राजपत्र, हिमाचल प्रदेश में प्रकाशन की तारीख से 30 दिन की अवधि के अवसान के पश्चात् विचार किया जाएगा;

इन नियमों से सम्भाव्य प्रभावित होने वाला व्यक्ति यदि, इन प्रारूप नियमों के विरुद्ध कोई आक्षेप या सुझाव देना चाहता है तो वह लिखित में आक्षेपों/सुझावों को सचिव (नगर एवं ग्राम योजना) हिमाचल प्रदेश सरकार, शिमला को उपर्युक्त विनिर्दिष्ट अवधि के भीतर भेज सकेगा।

उपर्युक्त विनिर्दिष्ट अवधि के भीतर प्राप्त आक्षेपों/सुझावों, यदि कोई हों, पर राज्य सरकार द्वारा इन नियमों को अन्तिम रूप देने से पूर्व विचार किया जाएगा, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(i) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश टाउन एण्ड कन्ट्री प्लानिंग (संशोधन) नियम, 2006 है।

(ii) ये नियम इनके राजपत्र, हिमाचल प्रदेश में प्रकाशन की तारीख से प्रवृत्त होंगे।

(iii) ये नियम, नियम 19-ई के उप-नियम (3) की कम संख्या 6 में वर्णित तारीख से एक वर्ष की अवधि के लिए प्रवृत्त रहेंगे।

(iv) ये नियम केवल उन्हीं अप्राधिकृत निर्माणों की बाबत लागू होंगे जो 30-6-2006 तक किए गए हैं।

2. नियम 19-ई के उप-नियम (3) में कम संख्या 5, 6 तथा 7 का अन्तःस्थापन.—हिमाचल प्रदेश टाउन एण्ड कन्ट्री प्लानिंग (संशोधन) रूल्ज, 1978 (जिन्हें इसमें इसके पश्चात् उक्त नियम कहा गया है) में नियम 19-ई के उप-नियम (3) की कम संख्या 4 के पश्चात् निम्नलिखित क्रम संख्या 5, 6 तथा 7 जोड़ी जाएगी, अर्थात् :—

“5.	The residential Buildings constructed in Planning Areas and Special Areas without prior approval of the competent authority under the Act and in violation of the provisions of the Development Plans/ Interim Development Plans and in violation of permission granted under section 15(A) and 16 of the Act as well as	The charges for regularization shall be as under:—	
		(i) Composition charges for total covered area of all the floors upto four storeys.	@ Rs. 500/- per sqm.

<p>deviations from the approved plans of residential buildings shall be considered for regularisation and compounding subject to Floor Area Ratio not exceeding more than 50% of the permissible limits. Maximum number of storeys shall be five, including basement, attic and parking floor. The minimum setback at any point shall not be less than 25% and overall deviation should not exceed 50% over the setbacks prescribed in rules/regulations. However, up to 1:00 metre projection shall be considered for retention over setbacks provided the same is used for balcony, open passage and staircase. In no case such projection shall be used for rooms/kitchen/toilet etc. This projection shall not be counted towards Floor Area Ratio. In case of deviations from the approved plans, where number of storeys have been kept intact, the composition charges shall be levied for the area deviated from the sanctioned plans provided the sanction has not lapsed before the commencement of construction. The requirement of Structural Stability Certificate as per section 31-A of the Act shall be mandatory.</p>	(ii) Composition charges for 5 th storey.	@ Rs. 1000/- per sqm
	(iii) Utilisation of composition fee	<p>(i) On Development activities of the Area from where the same is collected.</p> <p>(ii) On the demolition of unauthorized construction which shall remain uncompounded under these rules.</p> <p>(iii) In Special Areas the funds will be utilised through Special Area Development Authority and in Planning Areas through Director Town And Country Planning by making a provision to keep such funds in bank account.</p>
	(iv) Composition charges for Parking floor.	@ Rs. 200/- per sqm.

6. Mode of Application.—Owners of the buildings, who have only one house in the Planning Area or Special Area as the case may be and are interested in getting their buildings compounded, must apply on FORM- XVII-D to the competent authority on or before 30-11-2006 :

Provided that for the part of Shimla Planning Area which falls within the territorial limits of Municipal Corporation Shimla, the last date for submission of application on FORM XVII-D shall be 15-10-2006.

The application must be made in accordance with the following terms and conditions:—

- (i) The applicant will submit two photographs of his building clearly showing number of storeys alongwith Tatima, Jamabandi and copy of Sale deed.
- (ii) No demarcation shall be necessary unless the building is constructed along National Highway or is abutting the Govt. land.
- (iii) The applicant shall submit an affidavit to the effect that he has only one house in the limits of concerned Planning/Special Area.
- (iv) The applicant shall submit an affidavit to the effect that he has constructed his house on his own land and has not encroached upon any Govt. / other's land.
- (v) Detailed Architectural Drawing of the existing building showing each floor with two sections and two elevations of the building alongwith site plan clearly showing building with in Tatima shall be submitted.
- (vi) Regarding laying of pipelines of water, sewerage, drainage and electricity poles/ connections etc. the applicant will have to provide enough space required for this purpose so that these facilities could be provided to them by the Competent Authority. No Objection Certificate for water, electricity & sewerage shall be issued immediately after compounding the offence. On the receipt of application for releasing water, electricity and sewerage connections, the applicant will also have to deposit a sum of Rs. 1000/- per connection for providing water, electricity & sewerage connection. No compounding shall be done in case the owner has encroached upon the others private and/or the Government land.

7. Guidelines :

- (i) These rules shall not be applicable to the promoters concerned with the promotion of construction, sale, transfer and management of apartments on ownership basis regulated under the provisions of Himachal Pradesh Apartment and Property Regulation Act, 2005.
- (ii) These rules shall not be applicable in Green, Heritage and Core areas as defined in concerned Development Plans.
- (iii) No compounding shall be done on controlled area of National/State High Ways and Scheduled Roads as per provisions of H. P. Road Side Land Control Act, 1968. The required set back on aforesaid High Ways/Roads shall be 8 meters from the edge of the Road land. The applicant shall have to submit No Objection Certificate of competent authority.
- (iv) The buildings having more than 1.50 metre construction above National Highway/State Highway on valley side shall not be compounded.

- (v) Unauthorised constructions on the areas/pockets kept for tot-lots/parks, sewerage or other facilities in any approved sub-division of land by the Department shall not be compounded.
- (vi) Compounding in sinking/sliding areas (if any) shall be upto two storeys subject to the recommendation of the Geologist."

3. नियम 19-ई के उप-नियम (3) के नीचे के प्रथम परन्तुक का लोप.—उक्त नियमों में नियम 19-ई के उप-नियम (3) के नीचे आए प्रथम परन्तुक का लोप किया जाएगा ।

आदेश द्वारा,

हस्ताक्षरित/-,

प्रधान सचिव (टी0सी0पी0)।

[Authoritative English text of Government Notification No. TCP-F(5)-2/2004, dated 08-09-2006 as required under Clause (3) of Article 348 of the Constitution of India].

TOWN AND COUNTRY PLANNING DEPARTMENT

NOTIFICATION

Shimla, the 8th September, 2006

No. TCP-F(5)-2/2004.—In exercise of the powers conferred by the section 87 read with section 39- C of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977), the Governor, Himachal Pradesh proposes to make following rules further to amend the Himachal Pradesh Town & Country Planning Rules, 1978, notified vide notification No. 9-12/72-PW (B), dated 9-12-1978 and published in Rajpatra, Himachal Pradesh (Extra Ordinary) dated 6-4-1979. These draft rules are hereby published in the Rajpatra, Himachal Pradesh for the information of the general public and notice is hereby given that the said draft rules will be taken into consideration by the State Government after the expiry of a period of 30 days from the date of its publication in the Rajpatra, Himachal Pradesh;

If any person, likely to be affected by these rules or have any objection (s) or suggestion (s) against these draft rules, he may send the written objections/suggestions to the Secretary (TCP) to the Government of Himachal Pradesh, Shimla within the period specified above.

Objections/Suggestions, if any, received within the period specified above, shall be taken into consideration by the State Government, before finalizing these rules, namely :—

1. *Short title and commencement.*— (i) These rules may be called the Himachal Pradesh Town and Country Planning (Amendment) Rules, 2006.

(ii) These rules shall come into force from the date of their publication in Rajpatra, H. P.

(iii) These rules shall remain in force for a period of one year from the date mentioned in Sl. No 6 of sub-rule (3) of rule 19-E.

(iv) These rules shall be applicable only in respect of unauthorised constructions carried upto 30-06-2006.

2. *Insertion of Sl. No.5, 6 and 7 in sub-rule (3) of rule 19-E.*—In Himachal Pradesh Town and Country Planning Rules, 1978 (hereinafter called the said rules), after serial No.4 of sub-rule (3) of rule 19-E, the following Sl. Nos. 5, 6 & 7 shall be added, namely :—

<p>“5. The residential Buildings constructed in Planning Areas and Special Areas without prior approval of the competent authority under the Act and in violation of the provisions of the Development Plans/ Interim Development Plans and in violation of permission granted under section-15 (A) and 16 of the Act as well as deviations from the approved plans of residential buildings shall be considered for regularisation and compounding subject to Floor Area Ratio not exceeding more than 50% of the permissible limits. Maximum number of storeys shall be five, including basement, attic and parking floor. The minimum setback at any point shall not be less than 25% and overall deviation should not exceed 50% over the set backs prescribed in rules/regulations. However, up-to 1:00 metre projection shall be considered for retention over setbacks provided the same is used for balcony, open passage and staircase. In no case such projection shall be used for rooms/kitchen/toilet etc. This projection shall not be counted towards Floor Area Ratio. In case of deviations from the approved plans, where number of storeys have been kept intact, the composition charges shall be levied for the area</p>	<p>The charges for regularization shall be as under:—</p>	
	<p>(i) Composition charges for total covered area of all the floors upto four storeys.</p>	<p>@ Rs. 500/- Per sqm.</p>
	<p>(ii) Composition charges for 5th storey.</p>	<p>@ Rs. 1000/- per sqm.</p>
	<p>(iii) Utilisation of composition fee.</p>	<p>(i) On Development activities of the Area from where the same is collected.</p> <p>(ii) On the demolition of unauthorized construction which shall remain uncompounded under these rules.</p>

deviated from the sanctioned plans provided the sanction has not lapsed before the commencement of construction. The requirement of Structural Stability Certificate as per section 31-A of the Act shall be mandatory.		(iii) In Special Areas the funds will be utilised through Special Area Development Authority and in Planning Areas through Director Town And Country Planning by making a provision to keep such funds in bank account.
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- (v) Unauthorised constructions on the areas/pockets kept for tot-lots/parks, sewerage or other facilities in any approved sub-division of land by the Department shall not be compounded.
- (vi) Compounding in sinking/sliding areas (if any) shall be upto two storeys subject to the recommendation of the Geologist."

3. *Deletion of First Proviso below sub-rule (3) of rule 19-E.*—In the "said rules" the First proviso appearing below sub-rule (3) of rule 19-E shall be deleted.

By order,

Sd/-

Principal Secretary (TCP.)